

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

WILL INGRAM,

Plaintiff

VS.

ROBERT CASH, *et al.*,

Defendants

NO. 3:06-CV-10 (CDL)

**PROCEEDINGS UNDER 42 U.S.C. §1983  
BEFORE THE U. S. MAGISTRATE JUDGE**

**RECOMMENDATION**

On March 14, 2007, the undersigned issued an order that afforded plaintiff WILL INGRAM one **FINAL** opportunity to provide responses to the defendants' discovery requests.<sup>1</sup> Tab #25. On April 26, 2007, plaintiff filed a motion for dismissal *without* prejudice in which he alleges that "[d]ue to circumstances beyond Plaintiff's control he is unable at this time to comply with the Defendants' Requests for Production of Documents." Tab #27.

The defendants have litigated this case for over one year. To permit a dismissal without prejudice would be an undue burden on the defendants, and in light of plaintiff's failure to comply with the court's March 14<sup>th</sup> Order, IT IS RECOMMENDED that plaintiff's motion be DENIED and that his complaint be DISMISSED *with prejudice*. Pursuant to 28 U.S.C. §636(b)(1), the parties may serve and file written objections to this RECOMMENDATION with the district judge to whom this case is assigned **WITHIN TEN (10) DAYS** after being served with a copy thereof.

SO RECOMMENDED this 1<sup>st</sup> day of MAY, 2007.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." with a stylized flourish at the end.

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>The language in the March 14<sup>th</sup> Order was clear: **"IN SHORT, THIS IS PLAINTIFF'S LAST OPPORTUNITY TO COMPLY WITH DEFENDANTS' DISCOVERY REQUESTS!"** Tab #25 at 2.